

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER J. SHELDON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case Number 18-12564

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
GRANTING IN PART DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
REVERSING THE DECISION OF THE COMMISSIONER, AND REMANDING FOR
FURTHER PROCEEDINGS PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(G)**

Presently before the Court is the report issued on July 1, 2019 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court grant in part the plaintiff's motion for summary judgment, grant in part and deny in part the defendant's motion for summary judgment, reverse the decision of the Commissioner, and remand the case for further proceedings under sentence four of 42 U.S.C. § 405(g). Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment (ECF No. 14) and the defendant's motion for summary judgment (ECF No. 15) are **GRANTED IN PART AND DENIED IN PART**. The defendant's request for judgment as a matter of law on the question whether the ALJ failed to provide good reasons for giving less weight to the medical source statement completed by the plaintiff's primary care physician, Sally Jo Sperbeck, D.O., is **GRANTED**. The plaintiff's request to remand the case for reconsideration of the effect of the plaintiff's hospitalizations and nursing home care on her ability to perform sustained work activities on a regular and continuing basis is **GRANTED**. The cross-motions are **DENIED** in all other respects.

It is further **ORDERED** that the decision of the Commissioner is **REVERSED**.

It is further **ORDERED** that the matter is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand the administrative law judge shall consider all of the medical opinions of record, elicit additional testimony from a vocational expert if necessary, and provide good reasons for her findings.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: August 15, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 15, 2019.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI